

Message

From: Robinson, Brittany [Robinson.Brittany@epa.gov]
Sent: 7/31/2019 4:21:57 PM
To: Rhines, Dale [rhines.dale@epa.gov]
Subject: FW: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Ex. 5 Deliberative Process (DP)

From: Dorka, Lilian <Dorka.Lilian@epa.gov>
Sent: Wednesday, July 31, 2019 12:15 PM
To: Robinson, Brittany <Robinson.Brittany@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: Fwd: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi folks today is the 31st did anyone get back to Andrew on this? He needs to know if he can present it to the board today w changes he made.

Dale I will leave this to you to coordinate with the team. Let's try and get this to the Board today if at all possible. Thanks all!

Sent from my iPhone

Lilian Sotolongo Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 US EPA
 202-564-9649 - Office
 202-695-9888 - Cell

Begin forwarded message:

From: "Goff, Andrew D" <andrew.d.goff@hawaii.gov>
Date: July 29, 2019 at 12:08:13 PM PDT
To: "Dorka, Lilian" <Dorka.Lilian@epa.gov>
Cc: "Covington, Jeryl" <Covington.Jeryl@epa.gov>, "Wilson, Adam" <wilson.adam@epa.gov>, "Rhines, Dale" <rhines.dale@epa.gov>, "Robinson, Brittany" <Robinson.Brittany@epa.gov>, "Garnett, Desean" <Garnett.Desean@epa.gov>
Subject: RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Lilian,

I wanted to update you that the draft resolution agreement is on the agenda for the ADC board meeting on July 31, 2019. I have attached an updated draft that includes a few proposed edits based on feedback from the last board meeting. If the edits are acceptable, I will present the proposed draft to the board. If you have any questions or would like to discuss the edits, I can be available early next week by phone.

Thank you,

Andrew

From: Dorka, Lilian <Dorka.Lilian@epa.gov>
Sent: Wednesday, July 24, 2019 12:04 PM
To: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Robinson, Brittany <Robinson.Brittany@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
Importance: High

Hello Andrew, can you please let me know if the Informal Resolution Agreement is now on the Board's agenda for their next meeting? Can you please share any details on that? Thanks!

Lilian Sotolongo Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 U.S. Environmental Protection Agency
 202-564-9649 - Office
 202-695-9888 - Cell

From: Dorka, Lilian
Sent: Thursday, July 18, 2019 8:57 PM
To: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Robinson, Brittany <Robinson.Brittany@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Thanks Andrew. Hope you're feeling better. I look forward to hearing from you next week. Lilian

Sent from my iPhone

Lilian Sotolongo Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 US EPA
 202-564-9649 - Office
 202-695-9888 - Cell

On Jul 18, 2019, at 5:57 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

Apologies Lilian, I was

Ex. 6 Personal Privacy (PP)

out of the office for a week. I have not heard of a board meeting being scheduled yet. They are normally at the end of the month, so I expect the notices will go out next week. I will follow up with my client and let you know when I have an answer.

Thank you,

Andrew

From: Dorka, Lilian <Dorka.Lilian@epa.gov>
Sent: Wednesday, July 17, 2019 4:23 AM
To: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Robinson, Brittany <Robinson.Brittany@epa.gov>
Subject: RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
Importance: High

Hello Andrew, I am concerned about the lag in movement on this case. I have not heard back from you and it has been three weeks. Has a meeting with the Board been set?

Thanks for your help, Lilian

Lilian Sotolongo Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 U.S. Environmental Protection Agency
 202-564-9649 - Office
 202-695-9888 - Cell

From: Dorka, Lilian
Sent: Tuesday, July 2, 2019 6:50 AM
To: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Thanks. Please let me know ASAP when the meeting is scheduled as I will need to share that early next week. Lilian

Sent from my iPhone

Lilian Sotolongo Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 US EPA
 202-564-9649 - Office
 202-695-9888 - Cell

On Jul 1, 2019, at 11:18 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

Lilian,

Sorry I was unable to update you before I went out of town. I presented and explained the draft at the June 12 board meeting. The board barely had quorum at that time, so a final decision was deferred until the full board could be present. There may be some questions regarding how the ADC agreement would interplay with the DOA agreement, but I think the board will be agreeable to accepting the terms. I will finalize the draft and put it on the next agenda for decision making. I'll let you know when the meeting is set.

Thank you,

Andrew

From: Dorka, Lilian <Dorka.Lilian@epa.gov>
Sent: Wednesday, June 26, 2019 4:39 AM
To: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
Importance: High

Hello Andrew, I am following up with you as you said you would present the draft agreement to your board on June 12th and that you would follow up with me to let me know the outcome. Today marks two weeks from that date. Could you please provide an update on the status of the Informal Resolution Agreement as soon as possible? Thanks for your help. Lilian

Lilian Sotolongo Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 U.S. Environmental Protection Agency
 202-564-9649 - Office
 202-695-9888 - Cell

From: Dorka, Lilian
Sent: Friday, May 31, 2019 5:20 PM
To: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi Andrew,

Just wanted to let you know that Resolution Letter and Agreement (attached) for HDOA was issued yesterday so that case has now been resolved. Thought you might want to have this in anticipation of your meeting with the ADC Board. Thanks!

Lilian

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

From: Dorka, Lilian
Sent: Wednesday, May 29, 2019 9:57 PM
To: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Thanks for the update Andrew.

Sent from my iPhone

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
US EPA
202-564-9649 - Office
202-695-9888 - Cell

On May 29, 2019, at 8:32 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

Lilian,

The judge took the case under advisement, no word on when he will issue an opinion. I have the EPA MOU on the agenda for the June 12th ADC Board meeting. I will let you know outcomes as they come.

From: Dorka, Lilian <Dorka.Lilian@epa.gov>
Sent: Thursday, May 23, 2019 3:56 PM
To: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines,

Dale <rhines.dale@epa.gov>; Wilson, Adam
<wilson.adam@epa.gov>; Garnett, Desean
<Garnett.Desean@epa.gov>; Rhodes, Julia
<Rhodes.Julia@epa.gov>

Subject: Re: Draft Informal Resolution Agreement for
EPA Complaint No. 45RNO-16-R9

Thanks for the update Andrew. Can you please update
me again next week re Board hearing, that to confirm
you will be able bring the agreement before them and a
firm date? Thanks so much!

Sent from my iPhone

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
US EPA
202-564-9649 - Office
202-695-9888 - Cell

On May 23, 2019, at 6:50 PM, Goff, Andrew D
<andrew.d.goff@hawaii.gov> wrote:

Lilian,

We are in the process of setting a date
for my client's board meeting in mid-
June. I plan on presenting the
agreement to the board for feedback. I
will also be speaking with DOA
regarding the possibility of an
agreement to use their coordinator
when the time comes.

We had the hearing on Earthjustice's
other lawsuit yesterday. The judge took
it under advisement, so I will let you
know when a decision comes out.

Thank you,

Andrew

From: Dorka, Lilian
<Dorka.Lilian@epa.gov>
Sent: Wednesday, May 15, 2019 11:46
AM
To: Goff, Andrew D
<andrew.d.goff@hawaii.gov>

Cc: Covington, Jeryl
 <Covington.Jeryl@epa.gov>; Rhines,
 Dale <rhines.dale@epa.gov>; Wilson,
 Adam <wilson.adam@epa.gov>;
 Garnett, Desean
 <Garnett.Desean@epa.gov>; Rhodes,
 Julia <Rhodes.Julia@epa.gov>
Subject: RE: Draft Informal Resolution
 Agreement for EPA Complaint No.
 45RNO-16-R9
Importance: High

Hi Andrew,

Checking back as I have not
 heard from you re the draft I sent
 you on May 9th. Do you have any
 thoughts on this? Have you been
 able to speak to your client about
 it? Thanks!

Lilian Sotolongo Dorka, Director
 External Civil Rights Compliance Office
 Office of General Counsel
 U.S. Environmental Protection Agency
 202-564-9649 - Office
 202-695-9888 - Cell

From: Dorka, Lilian
Sent: Thursday, May 9, 2019 6:08 PM
To: 'Goff, Andrew D'
 <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl
 <Covington.Jeryl@epa.gov>; Rhines,
 Dale <rhines.dale@epa.gov>; Wilson,
 Adam <wilson.adam@epa.gov>;
 Garnett, Desean
 <Garnett.Desean@epa.gov>
Subject: RE: Draft Informal Resolution
 Agreement for EPA Complaint No.
 45RNO-16-R9
Importance: High

Hi Andrew, please take a look at
 the attached which has a revised
 FN 3 per our conversation this
 afternoon. Please send us back
 your revisions so that we can put
 the document in final draft and
 you can present it to your Board
 ASAP. (You stated you would
 request a meeting with the Board
 in early June, 2019 to present the

draft agreement.) Thanks and please let me know if you have any questions. Lilian

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

From: Dorka, Lilian
Sent: Thursday, May 9, 2019 12:30 PM
To: 'Goff, Andrew D' <andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi Andrew – in anticipation of our meeting later today, wanted to share the attached as an option for resolution. Look forward to discussing this later.

Thanks! Lilian

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

From: Goff, Andrew D <andrew.d.goff@hawaii.gov>
Sent: Thursday, May 2, 2019 9:40 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: Draft Informal Resolution

Agreement for EPA Complaint No.
45RNO-16-R9

Wednesday or Thursday would work for me. Thank you.

The hearing on our motions was pushed out to May 22. Hopefully we will know a decision then or shortly after.

From: Dorka, Lilian
[mailto:Dorka.Lilian@epa.gov]
Sent: Thursday, May 02, 2019 3:10 PM
To: Goff, Andrew D
<andrew.d.goff@hawaii.gov>
Cc: Covington, Jeryl
<Covington.Jeryl@epa.gov>; Rhines,
Dale <rhines.dale@epa.gov>; Wilson,
Adam <wilson.adam@epa.gov>;
Garnett, Desean
<Garnett.Desean@epa.gov>
Subject: Re: Draft Informal Resolution
Agreement for EPA Complaint No.
45RNO-16-R9

Thanks Andrew. I will be on work-related travel early next week and back in the office on Wednesday. I will ask Jeryl to see if she can set up a call for next Wednesday or Thursday (late afternoon for us).

Also, forgot to ask before, any decision yet on the litigation?

Thanks! Lilian

Sent from my iPhone

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
US EPA
202-564-9649 - Office
202-695-9888 - Cell

On May 2, 2019, at 8:51 PM, Goff,
Andrew D <andrew.d.goff@hawaii.gov>
wrote:

Thanks Lillian, we are still reviewing the situation. At this time, it looks like ADC will definitely have more than 15 employees, although the timing of when they will be hired is still being worked out. We are talking with DOA on the hiring process and ADC's options should they need to adopt their own discrimination complaint procedures. I will not know more than that until the hiring process is worked out, but would be open to a phone conference if you'd like to discuss available options from your end. I can be available next week from Tuesday on.

Thanks,

Andrew

From: Dorka, Lillian
[mailto:Dorka.Lillian@epa.gov]
Sent: Thursday, May 02, 2019 10:46 AM
To: Goff, Andrew D
<andrew.d.goff@hawaii.gov>
Subject: RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi Andrew,

I'm following up on our call on April 16th. At that time you informed me that there was

pending HI
legislative action
that could affect
your organization,
its budget and its
human resources
and, thus, the Draft
Informal Resolution
Agreement. In light
of this, you asked
that we postpone
going forward with
the draft Agreement
(your presenting it
to the Board, etc.)
until May. We
agreed to touch
base by April 30th
so that you could
update me on your
situation. I'm
hoping you can
provide an update
today or
tomorrow? Thanks!

Lilian

Lilian Sotolongo Dorka,
Director
External Civil Rights
Compliance Office
Office of General
Counsel
U.S. Environmental
Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

From: Goff, Andrew D
<andrew.d.goff@hawaii.gov>

Sent: Thursday, April
11, 2019 4:55 PM

To: Dorka, Lilian
<Dorka.Lilian@epa.gov>
>

Cc: Rhines, Dale
<rhines.dale@epa.gov>
; Temple, Kurt
<Temple.Kurt@epa.gov>
>; Covington, Jeryl
<Covington.Jeryl@epa.gov>

gov>; Wilson, Adam
 <wilson.adam@epa.gov
 >; Garnett, Desean
 <Garnett.Desean@epa.gov
 >; Grisier, Mary
 <Grisier.Mary@epa.gov
 >; TenBrook, Patti
 <TenBrook.Patti@epa.gov
 >

Subject: RE: Draft
 Informal Resolution
 Agreement for EPA
 Complaint No. 45RNO-
 16-R9

Lilian,

Based on our conversation the other day, these edits are acceptable. I have not been able to substantively speak to my client on the issues, but anticipate doing so before the end of the week. The next board meeting is set for April 24, 2019. Given the board members' schedules and notice requirements, it is unlikely that can be moved forward. Please let me know if you have any other questions.

Thank you,

Andrew

From: Dorka, Lilian
 [<mailto:Dorka.Lilian@epa.gov>]

Sent: Tuesday, April 09, 2019 12:26 PM

To: Goff, Andrew D
 <andrew.d.goff@hawaii.gov>

Cc: Rhines, Dale
 <rhines.dale@epa.gov>
 ; Temple, Kurt
 <Temple.Kurt@epa.gov>

>; Covington, Jeryl
<Covington.Jeryl@epa.gov>; Wilson, Adam
<wilson.adam@epa.gov>; Garnett, Desean
<Garnett.Desean@epa.gov>; MARY GRISIER
<Grisier.Mary@epa.gov>; TenBrook, Patti
<TenBrook.Patti@epa.gov>

Subject: RE: Draft
Informal Resolution
Agreement for EPA
Complaint No. 45RNO-
16-R9
Importance: High

Hi Andrew,

Thanks for the call today! Attached, please find a redlined Agreement incorporating the edits/additions we discussed today. I would appreciate it if you could let me know by COB tomorrow whether you agree with the edits so that I can send you a new clean version that you can present to your client. If you want to make additional edits of your own, please go ahead and send those to me and we can have a follow up conversation if needed.

Thanks! Lilian

Lilian Sotolongo Dorka,
Director
External Civil Rights
Compliance Office

Office of General
Counsel
U.S. Environmental
Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

From: Goff, Andrew D
<andrew.d.goff@hawaii.gov>
Sent: Thursday, April 4,
2019 2:32 PM
To: Dorka, Lilian
<Dorka.Lilian@epa.gov>
Cc: Rhines, Dale
<rhines.dale@epa.gov>
; Temple, Kurt
<Temple.Kurt@epa.gov>
; Covington, Jeryl
<Covington.Jeryl@epa.gov>; Wilson, Adam
<wilson.adam@epa.gov>
Subject: RE: Draft
Informal Resolution
Agreement for EPA
Complaint No. 45RNO-
16-R9

That works. Thank you.

From: Dorka, Lilian
[mailto:Dorka.Lilian@epa.gov]
Sent: Thursday, April
04, 2019 12:18 AM
To: Goff, Andrew D
<andrew.d.goff@hawaii.gov>
Cc: Rhines, Dale
<rhines.dale@epa.gov>
; Temple, Kurt
<Temple.Kurt@epa.gov>
; Covington, Jeryl
<Covington.Jeryl@epa.gov>; Wilson, Adam
<wilson.adam@epa.gov>
Subject: Re: Draft
Informal Resolution
Agreement for EPA

Complaint No. 45RNO-
16-R9

Ok Andrew I will
reschedule. How about
Tuesday 9-10 your
time?

Sent from my iPhone

Lilian Sotolongo Dorka,
Director
External Civil Rights
Compliance Office
Office of General
Counsel
US EPA
202-564-9649 - Office
202-695-9888 - Cell

On Apr 3, 2019, at 9:47
PM, Goff, Andrew D
<[andrew.d.goff@hawaii](mailto:andrew.d.goff@hawaii.gov)
[.gov](mailto:andrew.d.goff@hawaii.gov)> wrote:

Lilian,

Actually
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From:
Dorka,
Lilian
[\[mailto:Dorka.Lilian@epa.gov\]](mailto:Dorka.Lilian@epa.gov)

Sent:
Wedne
sday,
April
03,
2019
3:46
PM

To:
Goff,
Andrew
D
andrew.d.goff@hawaii.gov

Cc:
Rhines,
Dale
rhines.dale@epa.gov

;
Temple
, Kurt
Temple.Kurt@epa.gov;
Covington,
Jeryl
Covington.Jeryl@epa.gov;

Wilson,
Adam
<[wilson
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ov](mailto:wilson.adam@epa.gov)>

Subject

: Re:
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Thanks!
Lilian

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of
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Counsel
US EPA
202-
564-
9649 -
Office
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695-
9888 -
Cell

On Apr
3, 2019,

at 6:45
PM,
Dorka,
Lilian
<Dorka.Lilian@epa.gov>
>

wrote:

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